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AUG 23 1991

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY
DOCKET NO.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

EDMUND CARUSO, D.M.D.
LICENSE NO. 15698

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Dentistry upon receipt of information pertaining to the dental practice of Dr. Caruso, who maintains his practice at 2275 Kennedy Boulevard, Jersey City. This information revealed that from 1987 to 1990, respondent's office submitted numerous claim forms to his patients' insurance companies which sought reimbursement for services not performed or for amounts in excess of the amounts charged by him to the patients. During that time respondent delegated the function of submitting and processing insurance claim forms to one of his employees, whose salary from him was based on a percentage of insurance monies collected. At times the employee, with respondent's knowledge, signed respondent's name to claim forms

that sought payments to which respondent was not entitled. Respondent has admitted to not supervising the work of this employee. He also admits that he signed claim forms for submission without verifying their accuracy, and that he received payments from various insurance companies following submission of such fraudulent claims. Respondent informed the Board that he has since fired this employee, and that he has begun auditing his records and paying or offering restitution to various insurance companies.

It appearing that the parties wish to resolve this matter without the necessity for formal proceedings, and it appearing that by signing this Order respondent understands that he forgoes his right to a hearing on charges which could be filed by the Attorney General pursuant to N.J.S.A. 45:1-21 for the misconduct described above, and it further appearing that the Board finds the entry of this Order is in the public interest and is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS therefore on this 28th day of Aug. 1991
ORDERED:

1. Respondent's license to practice dentistry is hereby suspended for five (5) years, the first 45 days of which shall be active and the balance of which shall be stayed and serve as probation. The suspension shall begin August 23, 1991 and terminate August 22, 1996. The period of active suspension shall begin August 23, 1991 and terminate October 6, 1991. During the period of active suspension, respondent shall not engage in the practice of dentistry in any way whatsoever in this State or in

any jurisdiction, and shall comply with the List of Prohibited Activities annexed hereto and made a part hereof. Furthermore, throughout the entire five-year period of suspension, respondent shall obey and comply with all statutory and regulatory provisions dealing with the practice of dentistry, as well as the general laws of the State of New Jersey.

2. Quarterly random audits of respondent's patient records and billing records may be conducted by the Board's designees, at the Board's discretion and at respondent's expense for the duration of the stayed suspension. On demand made, respondent shall immediately make available all records necessary to conduct the audit, as determined by the Board or its designees.

3. At his own expense, respondent shall permit the Board's designees to compile a list from his office records of all insurance companies who insure respondent's patients. A copy of this Order shall be sent to each company by the Board with a letter requesting immediate notification with documentation, by the company, of any discrepancy the company finds between the amount claimed by respondent and the amount or the procedures billed by respondent to the patient.

4. Respondent shall make restitution by August 23, 1993 to all insurers for monies wrongfully received by his office since January 1, 1987, including but not limited to paying Delta Dental the amount of \$12,755.20.

5. The consent of respondent to and the entry of this Order shall conclude all matters presently known to the Board and the Division of Law pertaining to respondent's practice, including but

not limited to the Linda Schumann matter and the George Hoppes matter.

6. Upon the Board's receipt of any information indicating that any term of this Order has been violated, the Attorney General may apply for a summary hearing before the Board or such member or members as the Board President may designate for this purpose, on one week's notice to respondent. The proofs at such hearing shall be limited to the issue of whether this Order has been violated and respondent's evidence in mitigation of penalty. Upon proof by a preponderance of the evidence of a material violation of this Order, the Board member(s) hearing this matter may summarily activate the entirety of the stayed suspension and not just the balance thereof or may otherwise limit his license to practice dentistry or place conditions upon that practice.

BOARD OF DENTISTRY

By William B. Cinotti
WILLIAM CINOTTI, D.D.S.
President

I have read and I understand this Order and I agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Edmund Caruso DMD
EDMUND CARUSO, D.M.D.

**DIRECTIVE REGARDING FUTURE ACTIVITIES
OF DENTAL BOARD LICENSEE WHO HAS BEEN DISCIPLINED**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

1. Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
2. Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
3. Inform ^{each} ~~such~~ patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new professional is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing dental record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
4. Not occupy, share or use office space in which another licensee practices the profession.
5. Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
6. Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the

disciplined practitioner to practice the profession.

7. Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

8. The disciplined licensee shall require that during the 45 day period of actual suspension of his license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once during the 45 day period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9. Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10. Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

- (a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.
- (b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new

licensee for rent (not exceeding fair market value) of the premises and/or equipment.

- (c) No use of name of disciplined licensee or personally owned office name or tax or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Dental Group. The disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

11. Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

12. A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1. Promptly require the publishers of any profession directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Dental Board in good standing.

2. Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

13. A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Secretary.